IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 16023 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SURENDRABHAI DAHYABHAI PATEL
Versus
STATE OF GUJARAT AND OTHERS

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Appearance :
MR JITENDRA M PATEL for the Petitioner
MR SATYAM CHHAYA, ASST. GOVERNMENT PLEADER for Respondent Nos.1 and 2
None for other Respondents

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 14/08/2007

ORAL JUDGMENT

1. The petitioner is before this Court being aggrieved by order passed in Review Application No.C.A./20/2006 dated25.10.2006.

2. Mr.Jitendra M.Patel, learned advocate for the petitioner invited attention of the Court to the fact that the Review Application was decided by one member of the Gujarat Revenue Tribunal, whereas the order, which was sought to be reviewed in the said Review Application, was passed by a Division Bench of the Gujarat Revenue Tribunal.

The learned advocate submitted that in view of the law on the point, Review Application of an order which was passed by the Division Bench of the Revenue Tribunal, could have been taken in review only by Division Bench and not by the learned single Member of the Revenue Tribunal.

3. Without going merits and other contentions raised in this petition, only on this short point, order passed in Review Application No.C.A./20/2006 dated25.10.2006 is quashed and set aside. The matter is remanded to the Gujarat Revenue Tribunal for being decided by a Division Bench of the Tribunal in accordance with law.

Rule is made absolute. No costs.

(RAVI R.TRIPATHI, J.)

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